

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 803, FOOD AND DRUGS ACT.

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##### ADULTERATION OF TOMATO PASTE.

On or about October 15 and November 12, 1910, the Pietro Roncoroni Company, New York City, shipped from the State of New York to the State of West Virginia 18 cases, each containing 100 cans of tomato paste, said cases being labeled: "Rossa La Migliore Conserva di Tomate Marca P. R. Packed by Pietro Roncoroni Co.", the retail units contained in said cases being labeled: "Tomato Paste Conserva di Tomate Rossa Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 5480. Pietro Roncoroni Co." Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 120,000,000 bacteria per gram, and 500 yeasts and spores per one-sixtieth cmm, with mold filaments in 75 per cent of the microscopic fields examined, thus being adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 18 cases of tomato paste, charging the above shipment and alleging the product so shipped to be adulterated within the meaning of the act, in that said product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, the court being fully informed in the premises, issued its decree, finding the product to be adulterated as charged in the above libel, condemning and forfeiting the same to the United States, and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 6, 1911.*